



Public Notice

U.S. Army Corps of Engineers, Norfolk District

August 11, 2006

CENAO-TS-REG
NUMBER 06-5235

FEDERAL PUBLIC NOTICE

The District Commander has received a joint application for Federal and State permits as described below:

Three Flags/Culpeper LLC
Attn: John Cowles
5350 Shawnee Road, Suite 310
Alexandria, Virginia 22312

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located south of James Monroe Highway (Route 15/29), west of Friendship Way (business Route 29), and southwest of the Town of Culpeper in Culpeper County, Virginia. The project site is located along portions of Lake Merrimac, Lake Pelham and a Gaines Run tributary which are located in HUC 02080103.

PROPOSED WORK AND PURPOSE: The project purpose is to construct Phase II of the Three Flags project in Culpeper County, Virginia. Impacts associated with Phase II of the Three Flags project include permanently impacting 0.20 acre of palustrine forested wetland, 0.03 acre of palustrine scrub-shrub wetlands, 0.04 acre of palustrine emergent wetland, 1,624 linear feet of intermittent stream channel, 515 linear feet of perennial stream channel and permanent conversion of 0.01 acre of palustrine forested wetland to emergent wetland. Temporary impacts include 29 linear feet of intermittent stream channel, and 0.4 acre of palustrine open water. The proposed impacts are associated constructing a mixed residential community and supporting infrastructure.

As compensation for impacts to waters and wetlands of the United States the applicant is proposing to purchase 0.50 wetland credits, on-site preservation of 9.26 acre of wetlands, on-site preservation of 3,762 linear feet of stream channel and off-site preservation of 10,891 linear feet of stream channel in King George County.

Authorization for Phase I was permitted under COE permit #04-R0316 which was issued on March 18, 2004 and modified on August 7, 2006. COE permit #04-R0316 authorized impacts to 0.38 acre of palustrine forested wetland, 0.05 acre of palustrine scrub-shrub wetland, 0.23 acre of palustrine emergent wetland, 1,287 linear feet of intermittent stream channel and 329 linear feet of perennial stream channel. Impacts associated with Phase I were mitigated through the purchase of 1.27 wetland credits, 1,623 linear feet of on-site stream restoration and preservation, and by contributing \$71, 176 to the Virginia Aquatic Resource Trust Fund.

In addition to the required Department of the Army permit, the applicant must obtain a Virginia Water Protection Permit from the Virginia Department of Environmental Quality (DEQ) assuring that applicable laws and regulations pertaining to water quality are not violated and a

permit from the WHAT Wetlands Board. Project drawings are attached.

AUTHORITY: Permits are required pursuant to Sections 401 and 404 of the Clean Water Act (Public Law 95-217) and Title 62.1 of the Code of Virginia.

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected from the proposal must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The Environmental Protection Agency's "Guidelines for Specification of Disposal Sites for Dredged or Fill Material" will also be applied (Section 404(b)(1) of the Clean Water Act).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Commander within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Commander will then decide if a hearing should be held.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and (3) no known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal. Additional information might change any of these findings. For compliance with the Coastal Zone Management Act of 1972, as amended, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal zone (Tidewater) will be conducted in a manner consistent with the Virginia Coastal Resources Management Program (VCP). For more information or to obtain a list of the enforceable programs of the VCP, contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: elirons@deq.virginia.gov.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers, The Warrenton Field Office (ATTN: Ms. Anna Lawston), PO Box 911, Warrenton, Virginia 20188 and should be received by the close of business on Monday, September 11, 2006.

If you have any questions about this project or the permit process, please call Ms. Anna Lawston in the Warrenton Field Office at (540) 428-2864.

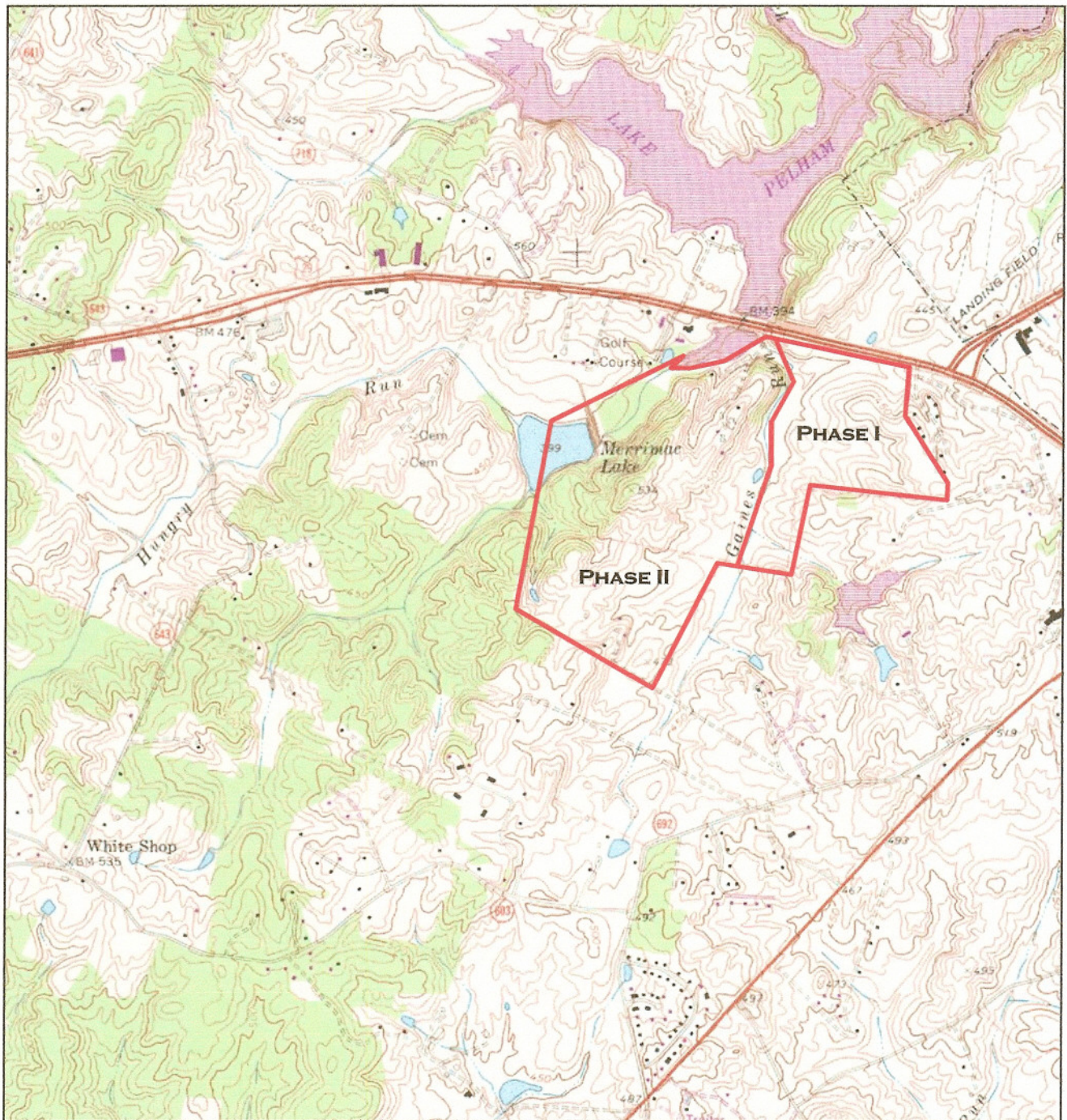
FOR THE DISTRICT COMMANDER:

Bruce F. Williams
Chief, Northern Virginia
Regulatory Section

Attachment: Drawings

PROJECT LOCATION MAP

THREE FLAGS



ANGLER
Environmental

Pond Doctor • Wetlands • Watershed Planning

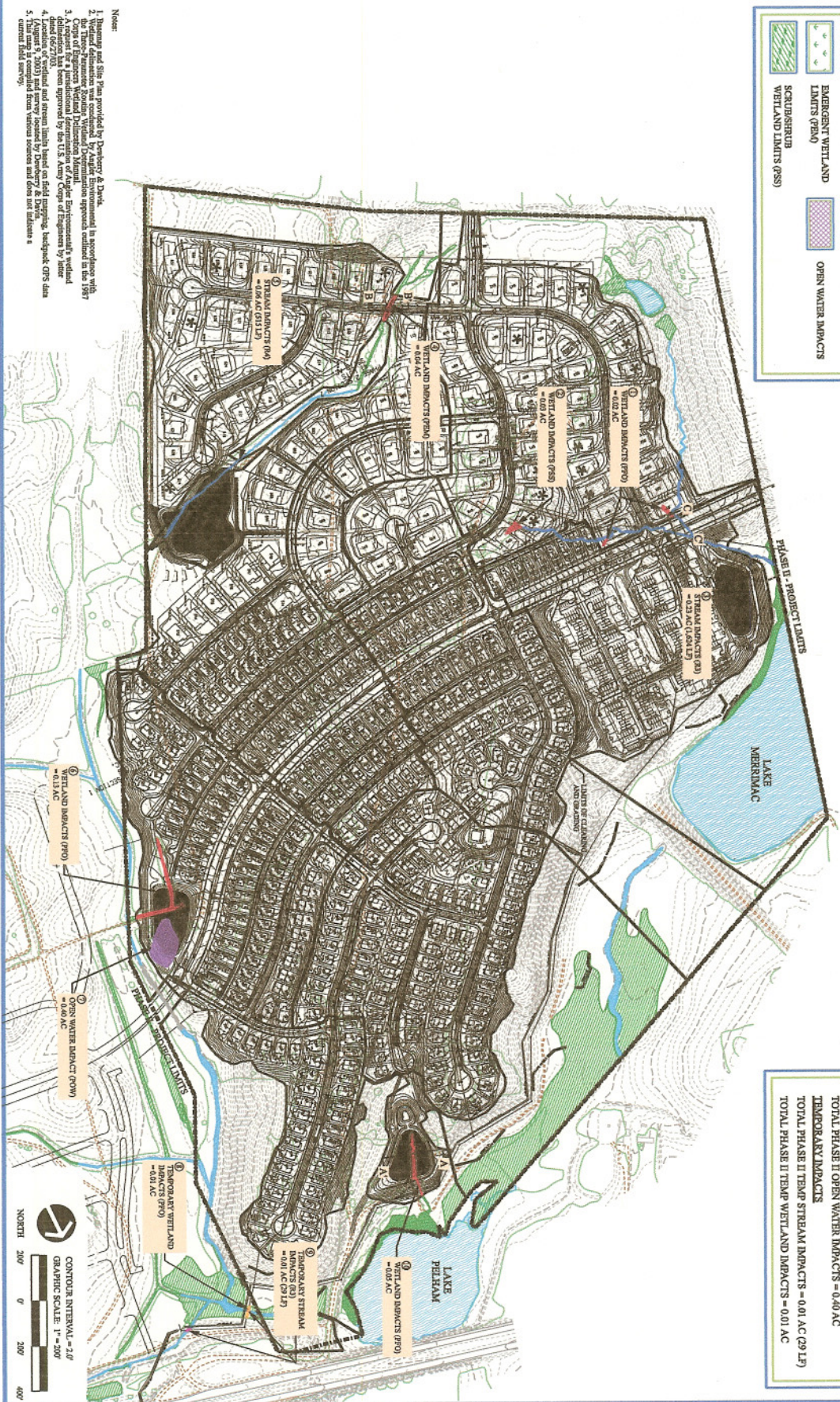


NORTH

Scale: 1" = 2000'
USGS Topo Quad Map — Culpeper West
Latitude = N38° 26' 59"
Longitude = W78° 02' 10"
Elevation = 390'-530' msl
Approximate Size = 350 +/- acres

LEGEND:

	PERENNIAL STREAM LIMITS (G3)		WETLAND IMPACTS
	INTERMITTENT STREAM LIMITS (G4)		STREAM IMPACTS
	OPEN WATER LIMITS (G5)		TEMPORARY WETLAND IMPACTS
	FORESTED WETLAND LIMITS (G6)		TEMPORARY STREAM IMPACTS
	EMERGENT WETLAND LIMITS (G7)		OPEN WATER IMPACTS
	SCRUB/SHRUB WETLAND LIMITS (G8)		



- Notes:**
1. Wetland and Stream Limits provided by Doherty & Doherty.
 2. Wetland delineation was conducted by Angler Environmental in accordance with the 1987 National Wetlands Inventory (NWI) and the 1987 National Wetlands Inventory (NWI) and the 1987 National Wetlands Inventory (NWI).
 3. A request for a jurisdictional determination of Angler Environmental's wetland data (06/27/03) was approved by the U.S. Army Corps of Engineers by letter dated 06/27/03.
 4. Location of wetland and stream limits based on field mapping, background GPS data and aerial photography.
 5. This map is compiled from various sources and does not include a current field survey.

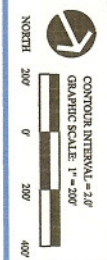
SITE DATA:

TOTAL PHASE II PROJECT AREA = 258.74 AC
 TOTAL PHASE II STREAMS = 3.48 AC (6,186 LF)
 TOTAL PHASE II WETLANDS = 9.53 AC
 TOTAL PHASE II OPEN WATER = 9.06 AC

IMPACTS SUMMARY:

PERMANENT IMPACTS
 TOTAL PHASE II WETLAND IMPACTS = 0.23 AC
 TOTAL PHASE II STREAM IMPACTS = 0.29 AC (2,139 LF)
 TOTAL PHASE II OPEN WATER IMPACTS = 0.40 AC

TEMPORARY IMPACTS
 TOTAL PHASE II TEMP STREAM IMPACTS = 0.01 AC (29 LF)
 TOTAL PHASE II TEMP WETLAND IMPACTS = 0.01 AC



PROJECT MANAGER	TK
DESIGNED	KB
DRAWN	KO
JOB NUMBER	1763
DESIGN FILE	1763-ALTY-SHEET1.DGN
DATE	04/24/06
REVISIONS	
667844 REVISED AS PER DDC COMMENTS	

APPLICANT: THREE FLAGS/CULPEPER, LLC
 PROJECT: THREE FLAGS - PHASE II

**DEVELOPMENT PLAN -
 SELECTED ALTERNATIVE**

CULPEPER COUNTY, VIRGINIA

**Angler
Environmental**

Aquatic Resource Specialists

12801 Randolph Ridge Ln.
Manassas, Va. 20109
ph: (703) 393-4544
fax: (703) 393-2554

106 North Thompson St.
Richmond, Va. 23221
ph: (804) 353-6017
fax: (804) 353-6018



PHASE I SITE DATA:
 TOTAL PROJECT AREA = 87.70 AC
 TOTAL WETLANDS = 4.00 AC
 TOTAL STREAMS = 1.25 AC (5.751 LF)
IMPACTS SUMMARY:
PERMANENT IMPACTS
 TOTAL WETLAND IMPACTS = 0.56 AC
 TOTAL STREAM IMPACTS = 0.23 AC (1.651 LF)

PHASE II SITE DATA:
 TOTAL PROJECT AREA = 258.74 AC
 TOTAL WETLANDS = 9.35 AC
 TOTAL STREAMS = 1.31 AC (6.186 LF)
IMPACTS SUMMARY:
PERMANENT IMPACTS
 TOTAL WETLAND IMPACTS = 0.27 AC
 TOTAL STREAM IMPACTS = 0.29 AC (2.139 LF)
TEMPORARY IMPACTS
 TOTAL TEMP WETLAND IMPACTS = 0.01 AC
 TOTAL TEMP STREAM IMPACTS = 0.01 AC (29 LF)

- Notes:**
1. Phase I Blueprint and Site Plan provided by Bonanza Consulting Group, Ltd.
 2. Wetland delineation was conducted by Angler Environmental in accordance with the Three-Parameter Boundary Wetland Determination approach outlined in the 1987
 3. A request for a jurisdictional determination of Angler Environmental's wetland delineation was submitted to the U.S. Army Corps of Engineers by letter dated 06/01/07 and was approved by the U.S. Army Corps of Engineers by letter dated 06/01/07.
 4. Location of wetland and stream limits based on field mapping, backpack GPS data and aerial photography.
 5. This map is compiled from various sources and does not constitute a current field survey.

NOT TO SCALE



NORTH

APPLICANT: THREE FLAGS/CULPEPER, LLC
 PROJECT: THREE FLAGS
OVERALL DEVELOPMENT PLAN
 CULPEPER COUNTY, VIRGINIA

ANGLER Environmental
 Aquatic Resource Specialists

12801 Randolph Ridge Ln.
 Montross, Va. 23109
 tel: (804) 353-4944
 fax: (703) 393-2934

106 North Thompson St.
 Richmond, Va. 23221
 tel: (804) 353-6017
 fax: (804) 353-6018

PROJECT MANAGER:	TK
DESIGNER:	ET
DRAWN:	ET
JOB NUMBER:	1763
DESIGN FILE:	
DATE:	07/13/06
REVISIONS:	